

REMARKS

Claims 1-4, 7-14 and 17-20 are now in the application.

Claim 1 has been amended to recite "An isolated or purified DNA having the nucleotide sequence shown under SEQ ID NO:1."

Claim 2 has been amended to recite "An isolated or purified protein having the amino acid sequence shown under SEQ ID NO:2."

Claim 3 has been amended to recite --or purified-- after "isolated" for purposes of clarification and not to limit the scope of claim 3.

The specification has been amended for purposes of clarification to change the listing "GDLLGRA" on page 11, line 1 to read --the sequence of SEQ ID NO:9--.

Also, attached is a corrected sequence listing (paper and CRF). The sequence listings on the paper and CRF are identical and no new matter is introduced. The sequence listing was generated using Patent-In 3.2 and was verified using Checker 4.1 software obtained from the USPTO.

The objection to the specification is not deemed tenable since the reference to Q8 on page 17, line 16 is correct and not mistyped, as mentioned in our prior response.

The amendments to the specification, sequence listing and claims do not introduce any new matter.

New formal drawings will be filed upon indication of the allowability of the claims.

The objections to claims 1 and 2 have been overcome by the amendments to the claims.

The rejection of claims 1-4, 7-10, 12-14 and 17-20 under 35 USC 112, first paragraph has been overcome by the above amendment of claims 1 and 2. In particular, claim 1 no longer recites "a DNA which hybridizes with the DNA having the nucleotide sequence of SEQ ID NO:1 under a stringent condition and codes for a protein having decaprenyl diphosphate synthase activity wherein said stringent condition is such that the hybridization is carried out at

Application No.: 09/830,111

Docket No.: 21581-00265-US

42°C for 22 hours, and the resulting filter is washed with 0.5 x SSC solution containing 6 M urea and 0.4% SDS at 42°C twice for 20 minutes each and, then washed with 2 x SSC solution at room temperature twice for 5 minutes each”.

Claim 2 no longer recites “a protein having an amino acid sequence showing a homology of not less than 60% to the amino acid sequence shown under SEQ ID NO:2, and having decaprenyl diphosphate synthase activity.

Likewise, the amendments to claims 1 and 2 overcome the rejection of Claims 1-4, 7-9, 12-14 and 17-19 under 35 USC 102(b) as being anticipated by Suzuki et al. Suzuki fails to anticipate the above claims as now amended.

In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event that the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21581-00265-US from which the undersigned is authorized to draw.

Dated: December 2, 2003

Respectfully submitted,

By 

Burton A. Amernick

Registration No.: 24,852

CONNOLLY BOVE LODGE & HUTZ LLP

1990 M Street, N.W., Suite 800

Washington, DC 20036-3425

(202) 331-7111

(202) 293-6229 (Fax)

Attorney for Applicant